



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,484	01/23/2002	Keith Alan Foster	1581.0870000/RWE/MTT	2134

7590 11/29/2005
Sterne Kessler Goldstein & Fox
Suite 600
1100 New York Avenue NW
Washington, DC 20005-3934

EXAMINER

AUDET, MAURY A

ART UNIT PAPER NUMBER

1654

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09/937,484	01/02/02	FOSTER et al.	1581.0870000/RWE/ALS
EXAMINER			
AUDET			
ART UNIT		PAPER	
1654		11202005	

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on 09/28/2005 is acknowledged, but is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has not elected a specific compound (lectin or lectin conjugate), as the invention, as required by the SECOND restriction requirement (still as to Group III).

Claims 48-75 now pending, of which 18 claims are independent. However, Applicant still has not responded to the SECOND Restriction Requirement (01/29/2004), requiring a compound election as the invention (not a species election). [The 08/24/2005 Petition Decision to Applicant's Petition as to the FIRST Restriction Requirement (10/30/2003) is also acknowledged (and that the claims have all been examined as drawn to Group III)].

In order to Examine this large amount of independent subject matter without an undue burden and in line with the SECOND Restriction Requirement (01/29/2004), the Examiner is forced to reinstate the outstanding restriction requirement which Applicant still has yet to address, and did not do so in the present response of 09/28/2005. Namely, the requirement for an election of the invention (not an election of species; e.g. election, as the invention, of a specific lectin compound or conjugate (by name and/or structure), since each of the methods uses a lectin/lectin conjugate which is structurally and/or functionally distinct, thus requiring a separate, non-coextensive search thereof).

In response to this Action, Applicant must elect, as the invention, EITHER a specific lectin (by compound name and/or structure) or a specific lectin conjugate (by conjugate name(s) and/or structure).

Additionally, Applicant must amend the claims commensurate in scope with the elected compound of the invention. It is also noted that many of the 18 independent claims are substantially duplicative if not entirely duplicative of one-another. Applicant's is asked to review the subject matter of these claims, and amend where appropriate. In order to move prosecution of the application forward, should Applicant have any questions regarding this application, he is invited to telephone the Examiner at 571-272-0960.

See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

CHRISTOPHER R. TATE
PRIMARY EXAMINER